

REMARKS

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-17 are pending in this application and have been rejected in the Office Action. In this response, claims 1 and 14 have been amended and claims 6, 7 and 17 have been cancelled without prejudice to their subsequent prosecution in any continuing application or disclaimer of the proprietary rights set forth therein. In addition, the specification has been amended in this response. No new subject matter is added as a result of the amended claims and the amended specification.

It is submitted that these claims are patentably distinct from the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. § 112. The remarks made herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112, but rather the amendments and remarks made herein are simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. THE REJECTIONS UNDER 35 U.S.C. § 103(a)

In the Office Action, claims 1-3, 6, 8, 9 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,311,168 to Pease, Jr. et al. ("Pease"). In addition, claims 4, 5, 7 and 11-17 have been rejected under § 103(a) as being unpatentable over Pease in view of U.S. Patent No. 4,970,494 to Keely et al. ("Keely"). The rejections are traversed for at least the following reasons.

Independent claims 1 and 14 have been amended to recite, *inter alia*, that the door lock comprises a tact switch on the lock assembly wherein an alarm is generated when a foreign material other than the normal key is inserted into the lock assembly. Pease either alone or in

combination fails to teach or suggest the use of a tact switch to activate an alarm when a foreign material other than the normal key is inserted into the lock assembly.

On page 3 of the Office Action, the Examiner asserts that although Pease does not disclose a tact switch, Pease does disclose a sensor 34 for sensing unauthorized tampering of the door lock and it is therefore a matter of design choice to disclose a different sensor to detect tampering of the door lock. We respectfully disagree.

In Pease, a first switch 14 is coupled to the dead-bolt mechanism 16 of a lock set 12. The first switch 14 is connected to an electric circuit 30 that includes an alarm circuit 28 and a sensor 34. When first switch 14 is in the door locked position (i.e. when the dead-bolt mechanism 16 is actuated to extend dead-bolt 18 to lock the door), alarm circuit 28 is energized, placing electric circuit 30 in the alarm mode such that the system is armed. Col. 3, lines 22-49. When first switch 14 is in the door unlocked position (i.e. when the dead-bolt 18 of the dead-bolt mechanism 16 is withdrawn to unlock the door), alarm circuit 28 is de-energized, thereby disabling the alarm function of the system. Col. 4, lines 9-10. Dead-bolt mechanism 16 can be actuated with a key from the outside of the door. Col. 5, lines 16-17.

When the electric circuit 30 is in the alarm mode, upon sensing motion or vibration to a door 13 to which it is coupled, sensor 34 sends a signal to the alarm circuit 30 that generates an audible alarm. Col. 3, lines 50-53. Therefore, with the sensing device of Pease, it is possible for an intruder to pick the dead-bolt mechanism 16 from the outside without vibrating or placing the door in motion. Once the dead-bolt mechanism 16 is unlocked, the switch 14 is in the door unlocked position which de-energizes alarm circuit 28, rendering sensor 34 ineffective in detecting an intruder who is tampering with the door lock.

In contrast, the alarm generating door lock of the instant invention uses a tact switch to detect an intruder who tampering with the door lock or who is picking the lock to gain access

through the locked-door. If an intruder attempts to operate the lock assembly of the instant door lock with any material other than the normal key, the tact switch is contacted and an alarm is generated. Page 8, lines 10-14. Therefore, the tact switch of the instant invention is actuated upon contact and not by vibration or motion of the door to which it is attached. Hence, the sensing device of Pease and the tact switch of the instant invention operate differently. Furthermore, the tact switch of the instant invention is used to detect an intruder who is picking the door lock while the device of Pease does not detect an intruder who is picking the door lock. Therefore, the sensor of Pease and the tact switch of the instant device are not merely design choices since they operate differently and are used to detect different door lock tampering.

For at least the foregoing reasons, it is respectfully submitted that amended independent claims 1 and 14 patentably distinguish over Pease either alone or in combination with Keely and are therefore allowable. Further, claims 2-5 and 8-13 that depend from claim 1 and claims 15-16 that depend from claim 14 are allowable therewith.

The Examiner has apparently made of record, but not applied, several documents. The Applicants appreciate the Examiner's implicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present invention unpatentable.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

CONCLUSION

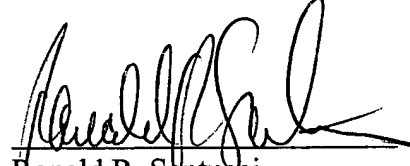
In view of the foregoing, it is believed that all of the claims in this application are

patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to
Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Ronald R. Santucci
Reg. No. 28,988
(212) 588-0800